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8 Attorneys for NOVA MEASURING
INSTRUMENTS, LTD. and NOVA MEASURING
9 INSTRUMENTS, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

14 NANOMETRICS INCORPORATED
15 Plaintiff,
16 v.
17 NOVA MEASURING INSTRUMENTS,
18 LTD., and NOVA MEASURING
INSTRUMENTS, INC.,
19 Defendants.

Case No. C06-06318 WHA

**STIPULATION AND [PROPOSED]
ORDER RE DEFENDANTS'
ACCEPTANCE OF SERVICE OF
COMPLAINT AND EXTENSION OF
TIME TO RESPOND THERETO**

Honorable William H. Alsup
United States District Judge

[CIVIL L.R. 6-2 and 7-12]

STIPULATION

WHEREAS, plaintiff NANOMETRICS INCORPORATED ("Nanometrics") filed a complaint entitled NANOMETRICS INCORPORATED v. NOVA MEASURING INSTRUMENTS, LTD. and NOVA MEASURING INSTRUMENTS, INC., Northern District of California (now numbered Case No. C06-06318 WHA) ("Complaint") on or about October 10, 2006:

13 WHEREAS, Nanometrics is willing to give the Nova Entities an extension of time
14 in which to respond to the Complaint to avoid the need to effect service of process on Nova
15 Measuring Instruments, Ltd., in Israel;

16 WHEREAS, no previous extensions in which to respond to the Complaint have
17 been requested;

18 WHEREAS, the requested time modification is not expected to affect the schedule
19 for the case;

20 NOW, THEREFORE, PURSUANT TO LOCAL RULES 6-2 AND 7-12, IT IS
21 HEREBY STIPULATED, BY AND BETWEEN THE PARTIES, THROUGH THEIR COUNSEL
22 OF RECORD, THAT the Nova Entities' Counsel accepts service of the Complaint on behalf of the
23 Nova Entities effective October 25, 2006, and the Complaint shall be deemed served on the Nova
24 Entities as of that date, conditioned on the grant of an extension of time to file a response;

25 IT IS FURTHER STIPULATED THAT the Nova Entities shall have through and
26 including Monday, December 11, 2006, to respond to the Complaint.

1 SO STIPULATED.
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Respectfully submitted:
5 DATED: November 2, 2006

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7 SHEPPARD MULLIN RICHTER & HAMPTON LLP
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10 By /s/Nathaniel Bruno
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12 NEIL A. SMITH
13 DAVID SCHNAPF
14 NATHANIEL BRUNO
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16 Attorneys for NOVA MEASURING INSTRUMENTS,
17 LTD. and NOVA MEASURING INSTRUMENTS,
18 INC.
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Respectfully submitted:
14 DATED: November 2, 2006
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16 BECK, ROSS, BISMONTE, & FINLEY, LLP
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By /s/Craig Alan Hansen
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20 JUSTIN T. BECK
21 RON C. FINLEY
22 ALFREDO A. BISMONTE
23 JEREMY M. DUGGAN
24 CRAIG ALAN HANSEN
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29 Attorneys for NANOMETRICS INCORPORATED
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SIGNATURE ATTESTATION

2 As the attorney e-filing this document, I hereby attest that opposing counsel (Beck,
3 Ross, Bismonte, & Finley, LLP) has concurred in this filing.

Respectfully submitted:

5 | DATED: November 2, 2006

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/Nathaniel Bruno

NEIL A. SMITH
DAVID SCHNAPF
ATHANIEL BRUNO

Attorneys for NOVA MEASURING INSTRUMENTS,
LTD. and NOVA MEASURING INSTRUMENTS,
INC.

ORDER

In accordance with the above Stipulation of the parties which is incorporated herein by reference, and with good cause appearing therefor, the Court orders as follows:

5 1. IT IS HEREBY ORDERED THAT NOVA MEASURING
6 INSTRUMENTS, LTD. and NOVA MEASURING INSTRUMENTS, INC. are deemed served
7 with the complaint of NANOMETRICS INCORPORATED in Northern District Case No. C06-
8 06318 WHA (the "Complaint") as of October 25, 2006.

10 2. IT IS FURTHER ORDERED THAT NOVA MEASURING
11 INSTRUMENTS, LTD. and NOVA MEASURING INSTRUMENTS, INC. shall have through
12 and including Monday, December 11, 2006, to respond to the Complaint.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 | Dated: November 6, 2006

The Honorable William H. Alsup
United States District Judge

